



C.R.P(MD)No.529 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.03.2023**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(MD)No.529 of 2023

1.T.Shanmugavadivu

2.M.Yasodha

3.K.Suseela

... Petitioners/Appellants/
Plaintiffs

Vs.

1.M.P.Parimaladevi

2.M.Sivakumar

3.State of Tamil Nadu

Represented by the District Collector Karur,
Collectorate Office Complex,
Thanthonimalai, Karur-639 007,
Karur Taluk & District.

4.The Revenue Divisional Officer,
Sub Collector Office Campus,
North Pradhakshnam Road,
Karur Town,
Karur-639 001.

5.The Tahsildar,
Taluk Office,
Pugalur Taluk,
Pugalur Karur District.



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6.The Village Administrative Officer,
Anjur Village,
Kuppagoundanvalasu,
Anjur Village,
Pugalur Taluk,
Karur District.

7.The Superintending Engineer,
Tamil Nadu Generation and Distribution
Co.Ltd., (TNEB),
Kovai Road,
Karur – 639 002.

8.The Executive Engineer,
Rural,
Tamil Nadu Generation and Distribution
Co.Ltd., (TNEB),
Kovai Road,
Karur – 639 002.

9.The Assistant Executive Engineer,
Operations and Maintenance,
Tamil Nadu Generation and Distribution
Co.Ltd., (TNEB),
Pugalur,
Pugalur Taluk,
Karur District.

10.The Assistant Engineer,
Operations and Maintenance,
Tamil Nadu Generation and Distribution
Co.Ltd., (TNEB),
Noyyal,
Pugalur Taluk,
Karur District.

11.The District Registrar,
Registration Department,
Karur,
Collector Office Complex,



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Thanthonimalai,
Karur – 639 007,
Karur Taluk & District.

12.The Sub Registrat,
Chinnadharapuram S.R.O.,
Chinnadharapuram,
Aravakuruchi Taluk,
Karur District.

... Respondents/Respondents/
Defendants

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the return order dated 22.12.2022, 01.02.2023 and 17.02.2023 passed in Unnumbered Suit in F.No. OS/1281/2022 in CF.No.8774 of 2022 (CNR.No.TNKR010037012022) on the file of the District Court, Karur by allowing this Civil Revision Petition.

For Petitioner : Mr.V.Meenakshi Sundaram
for Mr.P.Samuel Gunasingh

ORDER

The present revision petition has been filed by the plaintiffs in a suit for declaration that the sale deed, dated 06.09.2022 executed by the 1st defendant in favour of the 2nd defendant is null and void with regard to the 3/5th share of the plaintiffs and for a permanent injunction restraining the 2nd defendant from creating any encumbrance with regard to 3/5th



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share of the plaintiffs till a finality is reached in O.S.No.120 of 2022.

Apart from these prayers, the plaintiffs have also sought prayer C to E as against various statutory authorities restraining them from registering any documents or permitting mutation of any revenue records. The learned trial Judge has returned the plaint on the ground that the official respondents ought not to have been impleaded in the suit and they are unnecessary parties. Challenging the said return order, the present revision petition has been filed.

2. The learned counsel appearing for the petitioners on instructions submits that he would represent the plaint with modifications/amendments so as to delete D3 to D12 and the prayer C to E in the plaint. In view of the above said facts, nothing remains to be adjudicated in the present revision petition.

3. According to the learned counsel appearing for the plaintiffs, he had initiated O.S.No.120 of 2022 for partition and the same is pending before the District Court, Karur. The present suit has been filed by the same plaintiffs seeking to declare null and void a sale deed executed by one of the co-owners in favour of a third party and a consequential



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permanent injunction. Therefore, it could be seen that the issue involved in both the suits are interlinked and they have to be tried together. It is for the plaintiffs to file a memo before the said Court for tagging both the suits together.

4. In view of the above said facts, the Civil Revision Petition stands disposed of. No costs.

01.03.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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Note : Registry is directed to return the original plaint to the counsel for the petitioner.

To

- 1.The District Court,
Karur.
- 2.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR ,J.

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Order made in
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